

SUMMARY OF RESPONSE

1. The Examiner states: "Applicant's election of Group I in the reply filed on 1/18/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a))."

No species ever selected; the requirement stands.

Claims 2, 5, 6, 10-21 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species and invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 1/18/05.

No amendment of either claims or specification was presented, although attorney argues amendments should be entered and claims allowed. Claim as presented as of filing May 30/2001 are examined."

Claims Rejection - U.S.C. § 103

2. The Examiner states: "Claims 1, 3, 4, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over AgrEvo or Deven et al WO 00/51747 in view of Van der Heyden-5000383.

AgrEvo discloses the instant emanator (picture, page 3) showing bubble-jet forms, with mosquito control effected by (p.2) providing low aerial concentrations of insecticides (p.3) pyrethroids, vaporized-capillary tubes carry the solvent/pesticide to vaporization area. Control is possible by adjusting pesticide concentration and evaporation rate (p. 4). However, specific droplet size, gas and temperature of insecticide were unstated. Since pyrethroids of the instant and used, the vaporization would be the same, and temperature of release is controllable by artisan, thus able to be 30° or more below decomposition temperature, in order to provide efficacy of the insecticide.

Deven also shows an emanator, for release of perfumes or insecticides in the form of fine droplets

(p.1) from a liquid reservoirs (p.11). The device is not described as bubble jet.

Van der Heyden does show an insecticidal (cot. 1, lines 13-18) bubble jet emanator (figures) and provides for gas (air) entry into the fluid reservoir (col.5, lines 16-50).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made, desiring to utilize insecticide compositions to use of AgrEvo or Deven modified as taught by Van der Heyden, in order to provide odorous protection against Mosquitoes.

There is no non-obvious and/or unexpected results obtained since the prior art is well versed in the art of applying insect vaporized pyrethroids.

The selection of each component and form thereof is a result effective parameter chosen to obtain the desired effects, It would be obvious to vary the nature of each ingredient to optimize the effects desired, and the use of component for the functionality for which they are known to be used is not a basis for patentability.

Applicant has not provided any objective evidence of criticality, non-obvious or unexpected results that the administration of the particular ingredients' or form thereof provides any greater or different level of prior art expectation as claimed, and the use of ingredient for the functionality for which they are known to be used is not basis for patentability.

The instant invention provides well known old art recognized compounds, with well known art recognized effects, applied by well known art recognized methods to achieve control over pests as is well known in the art.”

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CLAIMS AMENDMENTS

Claim 1 (currently amended) A method of metered delivery of an insecticidal liquid [in which] comprising the step of ejecting small droplets of the liquid at an ambient temperature [are ejected] from a bubble-jet type liquid emanator device, thereby producing droplets of insecticidal liquid.

Claim 2 (currently amended) The method of Claim 1, [in which the bubble-jet liquid emanator device comprises a reservoir for containing insecticidal liquid, means for] further comprising the steps of (1) communicating the insecticidal liquid from the reservoir of the bubble-jet type liquid emanator device into a capillary tube portion, and [resistive heating element means for] (2) vaporizing a portion of the [fluid] liquid within the capillary tube portion[, thereby producing droplets of insecticidal liquid].

Claim 3 (currently amended) The method of Claim 1 [further comprising] in which the step of vaporizing the insecticidal liquid is performed at a temperature at least 30°C below the decomposition temperature of the insecticide therein.

Claim 4 (original) The method of Claim 1 in which a suitable gas is dissolved in the insecticidal liquid.

Claim 5 (original) The method of Claim 1 comprising a subsequent step of imparting the droplets of insecticidal liquid with a static charge.

Claim 6 (original) The method of Claim 5 wherein the static charge is about -1×10^4 C/kg.

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Claim 7 (original) The method of Claim 1 in which the [small] droplets attain a volume medium diameter of about 1 μm to about 7 μm .

Claim 8 (currently amended) A method of controlling insects comprising [delivery of] the step of delivering droplets of an insecticidal liquid at an ambient temperature from a bubble-jet type liquid emanator device into the atmosphere.

Claim 9 (currently amended) The method of Claim 8 in which the [dispersion of] step of delivering droplets of the insecticidal liquid is [produced] performed by controllably vaporizing a volume of the insecticidal liquid contained within a [bubble-jet] capillary tube portion of the bubble-jet type emanator device.

Claim 10 (original) The method of Claim 9 in which the step of controllably vaporizing the volume of insecticidal liquid comprises activating an electronic circuit containing a resistive heating element coupled to the capillary tube portion to cause an essentially instantaneous, temporary increase in temperature of the capillary tube portion.

Claim 11-21 (cancelled)

Claim 22 (new) The method of Claim 4 in which the gas is selected from one or more of the following group of gases: hydrogen, nitrogen, oxygen, air, helium, neon, argon, krypton, xenon, methane, ethane, ethylene, acetylene, N₂, CO₂, and O₂.

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